Raza Sí, Migra No!
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Labor Donated
INS rule spark outcry
But concession won on work authorization

William Gallegos

Since the Immigration Reform and Control Act (formerly the Simpson-Rodino bill) was signed last November, there has been sharp struggle over what regulations will be used to enforce the new law.

The Immigration and Naturalization Service (INS) has tried to limit the legalization program as much as possible, while emphasizing the enforcement provisions of the law. But civil rights and labor groups and those most affected by the bill, especially the Chicano/Latino communities, have been fighting to insure that the maximum numbers of undocumented immigrants will qualify for legalization, and to limit as much as possible the increased repression resulting from the employer sanction provisions in the law.

The preliminary draft of the INS regulations, issued in

(Facing page) On March 3, at San Francisco INS, over 200 people walked a picket called by the Community Coalition of Immigrant Justice.
January, drew protest from every major group in the country that works with undocumented immigrants. A final proposed version of the regulations was published March 18 and submitted to Congress for review.

Congress has until April 20 to call for any changes in the regulations before they become final on May 5.

Chicano/Latino, Asian American, and legal rights organizations along with labor unions, are mobilizing in this last critical month, targeting Congress with demands for changes in the repressive regulations.

**Hurdles to legalization**

Under the new law, undocumented immigrants who entered the country before January 1, 1982, and who have lived here continuously since then may apply for legal resident status. The regulations, however, place numerous hurdles in front of applicants and lay hidden traps.

- **High fees:** The fee to submit an application for legalization is $185 for adults. In addition, there are other costs, including $60-75 for a medical exam and $50 to file an appeal for those who are turned down. For those who are granted temporary residency, there will be an additional fee to apply for permanent residency after an 18-month period.

  Organized opposition from Chicano/Latino groups forced the INS to lower the fees for minors to $50 and establish a ceiling of $420 for families applying under the program. But when all the fees are added together along with attorneys fees, which may run from $300 to $1000, the cost is outrageous, particularly since Congress appropriated $400 million to the INS to implement the new law.

- **Minimizing number of agencies:** Because of the threat of deportation, undocumented applicants should submit applications through community agencies, churches and labor unions rather than going directly to the INS. The INS, however, has refused to pay start-up costs to these groups and will only reimburse them $15 for processing an entire application. This will prevent thousands of qualified people from applying.

Mario Moreno, associate counsel for the Mexican American Legal Defense and Education Fund (MALDEF), told *Unity* that the $15 reimbursement “will minimize, not maximize” the number of agencies participating in the program, which means that legalization “doesn’t have a snowball’s chance in hell” of succeeding.

- **Disqualifying absences:** In the final draft of the regulations, absences of more than 45 days at a time or a total of 180 days between January 1, 1982, and the time of the application will automatically disqualify undocumented immigrants from the program. The regulations also prohibit them from leaving the country without INS permission after the bill was signed, even for short periods. This means that immigrants who returned to Mexico or Central America this past Christmas will not be able to qualify for legalization under the new law.

- **Divided families:** Chicano/Latino organizations had pushed to allow families to apply as a unit (rather than as separate individuals) to avoid division of families, but the final draft regulations totally ignore this concern.

As Humberto Camacho, International vice president of
the United Electrical Workers Union, explained, overall, the regulations as written “would prevent millions of deserving hardworking immigrants from coming into the sunlight and gaining legal status under the new law.”

**Legalizing discrimination**

The real intent of the new law is embodied in the employer sanctions provisions, which call for fines and even jail sentences for employers who knowingly hire undocumented. Chicano and Latino organizations, labor and civil rights groups vigorously opposed employer sanctions and, since the bill’s passage, have fought for provisions which would minimize their effect.

- **Work authorization:** Labor and legal groups were able to win a concession from the INS allowing undocumented workers to continue working on a temporary basis. On March 24, the INS announced it will give undocumented workers permission to work until September 1 if they sign a statement saying they expect to qualify for legalization under the new law. While this concession will give tem-

porary relief to some, overall the regulations water down those parts of the law which may afford at least minimal protection to the undocumented.

- **No provision for appeals:** Although the law states that undocumented workers hired before November 6, 1986, are “grandfathered in” to their current jobs and are therefore not subject to employer sanctions, many such workers have already been fired with no provisions in the regulations for appeals.

- **Enforcement almost impossible:** Due to mass protest, the new immigration law includes an anti-discrimination clause to protect job applicants who feel that they have been discriminated against as a result of the employer sanction provisions. The draft regulations require that to have a valid claim, a person has to prove not only that he was discriminated against but that the employer intended to discriminate against him or her.

  Wade Henderson, associate director of the American Civil Liberties Union (ACLU) National Office in Washington, D.C., told *Unity* that the new regulations make “meaningful enforcement (of the anti-discrimination clause of the law) almost impossible.”

- **More INS raids:** Under the new law, employers will be required to keep on file for three years verification that all employees are legally eligible to work. The regulations give the INS the right to enter the workplace at any time without a written warrant and demand these documents to be produced within three work days.

  May Chen of the International Ladies’ Garment Workers’ Union International Immigration Project told *Unity*, “These searches may result in a return to INS raids of factories, where all employees are rounded up whether or not they have proof of citizenship or legal residence.”

**What next?**

The new regulations only prove what the Chicano/Latino community has known for decades, that la migrá (the INS) cannot be trusted. The immediate battleground is moving to Congress, which must be held accountable for increasing repression under the new law. As Ron Baca, president
thousands of farm workers are affected by the new law.

of a Mexican American Political Association chapter in Los Angeles, told Unity, "We knew from the beginning that the INS would try to restrict legalization. That's why we are so intent on fighting for the broadest interpretation of the regulations. In the remaining time before the regulations are final, we have to keep up pressure on the INS and on Congress."

Already local coalitions are becoming increasingly broad and militant in their demands. On March 3, the Community Coalition for Immigrant Justice, a coalition of trade union, church and labor organizations, held a picket of over 200 people at the San Francisco INS to protest draft regulations, speak up against increasing workplace firings and harassment, and call for passage of the DeConcini-Moakley bill, which would grant temporary refugee status to thousands of Central American immigrants who do not qualify for legalization under the new law. The Los Angeles Labor Community Immigration Network held a mass meeting hearing with the INS attended by over 300 community residents, workers and labor activists in early March, and

held a demonstration and picket on March 26.

In Washington, D.C., an ad hoc group of national organizations, including the National Immigration, Refugee and Citizenship Forum and National Council of La Raza, will be holding a special lobbying day to mount a final protest of the draft regulations before the April 20 deadline.

The long struggle that has been waged to prevent passage of Simpson-Rodino shows the resolve of immigrant rights organizations to continue the fight to expand immigration quotas and to carry forward the fight for complete and unconditional residency for all undocumented.

The short-term effort to change the regulations will make the long-term battle to protect and expand the rights of undocumented easier, but to do this will require broad mass mobilizations as well as a broad united front of church groups, labor groups, legal organizations and community organizations. The immediate task is applying pressure to Congress. In the long run, it will mean building up strong political organizations on the community level that can and will be willing to fight for the rights of the undocumented.

The actions taken by immigration and civil rights groups over the past few months have shown that rather than subsiding, the battle over Simpson-Rodino will only intensify.
Immigration: new law cannot stop movement for immigrant rights

William Gallegos

After a long and bitter struggle, President Reagan signed the Immigration Reform and Control Act (formerly the Simpson-Rodino immigration bill) into law last November 6.

On January 19, the U.S. Immigration and Naturalization Service (INS) issued proposed regulations for the new law's major provisions of sanctions for employers who "knowingly hire" undocumented workers, and of legalization for certain categories of undocumented. The proposed regulations will be adjusted and finalized in the next phase of implementation.

To enforce the employer sanctions provision, the proposed regulations require every employer to verify legal immigration status of all new hires, within 24 hours after they are officially hired. This rule, which is supposed to curb discrimination by treating all new hires the same, may create a whole bureaucratic machinery which could allow the government and corporations to keep tabs on the origins of all workers.

As for the "amnesty" or legalization provision, the regulations differ for each category. Those who entered the U.S. prior to 1982 and can prove continuous residency except for "casual" trips outside the U.S. may apply for temporary residency. However, the new proposed regulations define a "casual" absence as no more than 30 consecutive days, or a total of 150 days outside the U.S. since January 1, 1982.

The agricultural workers legalization provision will enable farm workers who have worked 90 days during a specified period to apply for permanent resident status. While this provision benefits many farm workers, the law simultaneously calls for expanding the "guest worker" program, under which temporary farm workers are imported without any rights at all.

The new regulations could also divide families, since each undocumented family member would have to apply and prove eligible for legalization. A wife may qualify, but her
Even those workers protected by the “grandfather clause” — those hired before November 6, 1986, and not subject to sanctions — have faced harassment on the job. U.S. citizens and permanent residents have likewise been forced in some cases to show proof of their legal immigration status in order to get a new job.

Along the 2,000-mile U.S.-Mexico border, it’s been “business as usual” in arresting and deporting undocumented immigrants, despite INS officials’ sweet talk about a “balanced approach” and frantic efforts to give la migra (INS agents and Border Patrol) a human face. INS District and Border Patrol officers continue to arrest and deport immigrants eligible for legalization under the new law. A restraining order filed by immigrant rights groups stopped this practice for awhile, but in December a federal panel of judges stayed the restraining order, and the deportations resumed.

In immigrant communities across the country, “sharks” have been preying on the hopes and fears of the undocumented. Huge sums of money have already been charged for the new legalization program even though the application forms won’t be available for months. Meanwhile, unions, churches, legal service, immigrant rights and community groups are flooded with calls seeking accurate information and advice on the new law.

**Rising chauvinism**

Simpson-Rodino passed in a decade of rising racism and chauvinism directed against people of color, including third world immigrants. The rationale that Simpson-Rodino would “protect American jobs” for “American workers” is part of the same right-wing political current as the “English-Only” and “Buy American” campaigns.

The bitter irony is that Simpson-Rodino whips up this chauvinist atmosphere against “foreigners,” yet it comes at a time when U.S. capitalists are more and more dependent on hiring undocumented immigrants to increase their own profits.

Therefore, the new law contains a seeming contradiction — employer sanctions for those who hire the undocumented, and an expanded guest worker program to legally import

The mass movement defeated the earlier anti-immigrant Simpson-Mazzoli bill.

husband may not. Parents may qualify, but their children may not. This could lead to tragedy and chaos. Many immigrant rights organizations are instead calling for an entire family to be granted legalization if a “principal applicant” from the family qualifies.

In addition, the new regulations set a fee of $150-250 for processing the “amnesty” applications. Such a high fee will make it difficult or impossible for many to apply, especially in cases where several family members are eligible, since most undocumented earn minimum wage or less.

**Immediate impact**

For immigrant communities and the labor movement, the impact of the new law has already begun to be felt.

Some employers are heeding the INS publicity campaign for “voluntary compliance” with employer sanctions even before forms and regulations have been finalized. These companies have already started harassing their workers (the non-white ones, of course), demanding and checking their documents and firing a number of them.
thousands of temporary farm workers then send them home when the job is done.

Simpson-Rodino is designed not to “protect American jobs,” but to create a captive work force which has no rights whatsoever and which can be forced to work for sub-minimum wages. This in turn hurts all workers by driving down wages and weakening the unions. Furthermore, it remains unclear whether labor unions will also face sanctions for dispatching workers from the union hiring halls.

In addition, Simpson-Rodino aims its main guns at the fast-growing Chicano-Mexican and Central American refugee population in the Southwest, which is already estimated at 15 million. This movement, with its democratic demands for greater political power, union and land rights, threatens the high profit margins typical in the Southwest economy, where promises of plentiful “cheap labor” and mineral resources and big corporate tax breaks are luring industry to this part of the Sunbelt. The struggle for immigrant and refugee rights, including the right to unionize and the right to vote, threatens this pool of “cheap labor,” as well as the whole power struc-

ture of the Southwest.

So despite the provisions in Simpson-Rodino to legalize a certain number of undocumented, it is estimated that a majority will not qualify and will remain part of the “captive work force.” They will remain the most vulnerable and legally defenseless sector of the Chicano and Latino Movement in the Southwest. But the undocumented Mexicanos and Central American refugees will be worse off than before, because employers now face stiff fines for hiring them. In addition, Simpson-Rodino provides more funds to further militarize the border area with more sophisticated weapons and surveillance equipment, unleashing an atmosphere of repression and terror in the Chicano and Latino communities.

The thrust of Simpson-Rodino is designed to weaken the movement for Chicano-Latino empowerment and self-determination in the Southwest, seeing that this movement can never reach its full potential as long as millions of immigrant Mexicanos and Latinos are kept without rights. Thus, the Chicano-Latino Movement and U.S. capitalism both have a tremendous stake in the outcome of the “immigrant issue.”

Much of the anti-immigrant propaganda is aimed at winning the hearts and minds of U.S. workers to the right-wing’s agenda. It is imperative that the workers take the lead in combating the racism and chauvinism being fanned up.

Workers of all nationalities need to understand that the immigration “problem” is actually a product of U.S. actions abroad. It is direct U.S. colonial domination that has dispersed one-third of the population of Puerto Rico to come to the U.S. mainland. And as long as U.S. banks and corporations exploit third world countries through unequal trade and loan agreements and other practices, these countries will remain economically underdeveloped, and their peoples will live in poverty. This in turn forces a daily migration of thousands, who leave their homes and come to the U.S. in search of jobs. Likewise, as long as the U.S. wages unjust wars as in Central America or backs fascist dictatorships, many thousands will come here as refugees.

We need to build the movement in a way that combats this rising chauvinism by educating people in the U.S. about the
main causes of third world immigration, and by linking immigrant rights to the demand that the U.S. get out of the colonies and neo-colonies.

**Act now!**

The time to act on the new regulations is now, before they are finalized and implemented in May this year.

The National Immigration, Refugee & Citizenship Forum, a national coalition of 80 unions, civil rights and immigration rights groups, has set a February 5 deadline for local comments on the regulations. Based on this input, the National Forum plans to take up vigorous lobbying in Washington.

Also needed is a mass political campaign around the regulations. Chicano/Mexicano, Latino and Asian groups — as well as labor unions most directly affected by the law (such as garment, hotel and restaurant, and farm workers’ unions) — should rally their members to put public pressure on Congress and the INS to implement fair regulations. The broad front which opposed Simpson-Mazzoli must be revived and expanded, and a wide variety of tactics must be employed, including use of the media, litigation, lobbying and, especially — mass pressure.

We should demand no fee (or only a minimal one) for legalization applications. The government or employers should shoulder the cost for the legalization program. The provisions for “casual absences” from the country for anyone applying for “amnesty” should be extended to 60 consecutive days or 240 total days since January 1, 1982 (as proposed by Chicano and immigrant rights groups). The entire family should be legalized if the “principal applicant” qualifies. Union hiring halls should be explicitly exempted from employer sanctions, based on the regulation that employment agencies that charge a fee (union dues) would be exempt.

We need to create a stronger mechanism for flagging and documenting discrimination arising from employer sanctions. This is the only basis for fighting sanctions, as the new law provides for formal review of the impact of sanctions and provides for their abolition if too much discrimination results.

At the same time, we should fight for full human and democratic rights of all immigrants, including an expanded amnesty program, complete union rights, language rights and the right to vote.

**What’s at stake?**

Now is the time to rally our forces, with Reagan and his partners wrapped up in the net of the Iran-contra gate scandal. Simpson-Rodino is not the end of our struggle. It’s only the beginning.

The next phase of the immigrant rights struggle is tremendously important. This struggle represents one important front against the right, which has actively fanned up anti-immigrant and anti-minority chauvinism, the ideological framework for Simpson-Rodino. This struggle affects several key social forces in U.S. society — the labor movement, and the Chicano and Latino movements. Undocumented workers are the poorest and most oppressed sector of both movements, and the development of both movements depends, in large part, on their ability to organize and fight for their rights. Simpson-Rodino was a setback for our struggle. But the war is not over yet.
A program for immigration rights

Ultimately, it is impossible for the U.S. to close its borders, with or without a congressional bill. The INS uses sophisticated infrared telescopes and heat-detecting equipment, and its prisons are overflowing. But so long as U.S. imperialism dominates their homelands, millions of third world people will enter the U.S. in search of a better life.

What is needed is not more restrictions and repression of immigrants, but a fair immigration policy which upholds basic democratic rights for the undocumented and all immigrants. The League of Revolutionary Struggle calls for:

- Unconditional residency for all undocumented immigrants who are presently hounded by fear of deportation and forced to accept the lowest-paying jobs. They pay taxes and contribute to Social Security, but cannot collect full social welfare benefits. Unconditional residency would allow an estimated 4-6 million undocumented to organize in trade unions, receive jobs and pay equal to citizens, and utilize public health, educational and government services without fear of deportation.

- Abolition of the facist INS Border Patrol which terrorizes and brutalizes countless third world immigrants every year.

- End INS raids on workplaces and communities, a form of racist terror against the undocumented and anyone who looks "foreign."

- Political asylum for those fleeing U.S.-backed dictatorships, including Salvadorans, Guatemalans, Haitians and others.

- No cooperation between police and the INS in conducting INS activities such as identifying the undocumented, carrying out raids, making arrests, and so on.

- Voting rights in local elections on the basis that those who work and pay taxes should have a voice in how tax money is spent, regardless of their immigration status.

- Language rights, including the right to speak one's native language on the job without fear of reprisal.

- Increasing immigration quotas for Latin American and Caribbean countries so that they are equal to those for Europeans.
Immigrant rights groups who have consistently opposed restrictive immigration legislation.

Unity interviewed Dolores Huerta, vice president of the United Farm Workers Union, about her views on the passage of Simpson-Rodino and what this will mean for farm workers and the Chicano Movement.

Q Why do you think Simpson-Rodino was able to pass when it appeared to be dead just three weeks ago?

A I think that what happened is that the Republicans were pretty much responsible for the fact that it was originally voted down. When the rule came out trying to keep the legalization of farm workers’ program intact, (a provision whereby farm workers who have worked 90 days during a specified time period can qualify for permanent status), the Republicans got together and voted against the rule. Then what happened is in the press, the Republicans were getting a lot of the blame for killing “immigration reform” so they tried to revive it.

Primarily the blame has to come from the pressure of the media because there’s been so much hype about the uncontrolled borders.

Q Why has there been so much media hype this year around immigration? Do you see any relationship between Simpson-Rodino and issues such as Proposition 63 (the “English Only” initiative) and the new Housing and Urban Development regulations barring undocumented from public housing?

A I think it’s part and parcel of the whole foreign policy of the United States. They are trying to make it appear that brown people are the enemies of the United States. It’s part of their foreign policy in Central America and in Mexico. It’s like a big campaign that they’re doing. This is just one part of it. They are trying to justify their policies and make it appear that somehow brown people, especially those from south of the border, are less than human.
Q **What about the argument that undocumented workers “steal American jobs”?**

A Every worker that comes here from Mexico is a subsidized worker. The Mexican government, and this also applies to many Central American countries, subsidizes the food. Education there is free, so every person who comes to the U.S. of working age is subsidized by that government to the age that they are a productive worker. Then they come over here and literally give away their labor.

Also, if we want to look at where is the really mass job displacement, it is not the jobs that undocumented are displacing, it’s in the run-away shops, the jobs going overseas, the computer industry, the steel industry, the rubber industry, the auto industry, the robots that have been brought in — these are the mechanics of mass job displacement. We are talking here about hundreds of thousands of workers being laid off. They can’t point the finger at the brown undocumented and say “you’re responsible for our massive unemployment.”

Q **Now that Simpson-Rodino has passed, what is the next step for the Chicano, labor and immigrant rights movements?**

A All of the organizations have to work hard to make the promise of legalization a reality. This means getting money allocated to watch implementation of the regulations and making sure the result is not entrapment but true legalization, both under the 1982 amnesty provision and the special farm workers’ provision.

We also have to work very hard to pressure Congress and the administration to help resolve the causes of massive immigration by helping Mexico and Latin America with social and economic development. We raised Germany and Italy from the ashes — all of the European countries after World War II and Japan — and it was American tax dollars that paid for that. Yet with these countries in the south, we have taken so much from them — so much of the riches, including their people. Here we do nothing but want to continue to exploit them, instead of trying to help those governments stand on their feet.

Q **What are some of the concrete steps that need to be taken?**

A We need to make a list of demands and bring them to the attention of the public and Congress. On legalization, we need to get on the media and go out to the communities and warn the undocumented to be careful of sharks — we call them coyotes — so they won’t be taken advantage of. They shouldn’t just go in to the INS (U.S. Immigration and Naturalization Service — ed.) now. There needs to be a series of meetings throughout the country.

The biggest negative impact will be the militarization of the border. This is a real challenge. We have to promote non-violence.

While the passage of the bill is a defeat, with organization we can turn defeat into opportunity and counteract some of the negative effects. We just can’t lie down and die. The organizations have to take the responsibility or nothing is going to happen.
Racist terror against Mexicano tenants in Denver

By Ed Gallegos

BOULDER, COLORADO — In the late afternoon of April 28, with the swiftness of a secret military operation, "migra" backed up by the Boulder police, completely surrounded the Towers Apartments in Boulder, cordoned off two full blocks and stopped anyone who looked Latino from entering the area and demanded identification. Women and children were rounded up and herded into Immigration and Naturalization Service (INS) busses.

But unlike other raids, Chicano student and community activists from the United Mexican American Students (UMAS), La Alianza de la Raza, and San Juan del Centro tenants' group rushed to the scene. Responding to the tenants' call, the supporters squared off for a tense four hours. The four-hour confrontation, described by one supporter as a potential race war, ended with a promise by the city to mediate between the apartment owners and the tenants. Ten days later, however, all of the Towers tenants received eviction notices giving them only until June 1 to vacate their homes.

The eviction of the Towers residents takes place barely one month since the federal government, through the Department of Housing and Urban Development (HUD), announced its decision to evict all undocumented immigrants from public housing projects. The new HUD regulation has so emboldened racists that even private landlords such as Associated Grocers, owners of the Towers, feel they have the mandate to "clean up" their properties by terrorizing and evicting Chicano and Latino tenants.

Just prior to the INS raid, Associated Grocers hired a white racist, Harry McIrvine, to manage the Towers. This thug, along with four of his friends, routinely beats and terrorizes Towers residents. At a meeting held a week before the raid, witnesses after witness told of abuses at the hands of McIrvine, including physical attacks, shutting off electricity, parading the halls with baseball bats and kicking in doors to collect the rent.

With the recent HUD decision being used to further whip up hysteria directed against undocumented immigrants, incidents
such as the Towers can be expected to take place throughout the Southwest and against Latino and other immigrants in major cities across the country.

**Resistance building**

The resistance of the Towers residents shows the organized response from the Chicano-Latino Movement. Tenants' organizations are forming inside housing projects to fight harassment and evictions. These organizations, in turn, are reaching out to each other and to the Chicano community for aid and support.

On May 10 a press conference and march of 60 people were held to protest the HUD ruling and support the Towers residents. This protest was sponsored by La Alianza de la Raza, HEMBRA, a Chicana women's group, Servicios de la Raza, CASA (Central American Support Alliance) and others to build the unity between Latino tenants and the Chicano Movement.

The Towers activists plan to continue the struggle by working with residents of San Juan del Centro, a low-income housing project in Boulder, and supporters in the Chicano community. Dora Esquibel, resident of San Juan and a longtime Chicano activist told Unity, "They used the Towers to test the waters, but now we must show them that we won't sit passively by and permit our Raza to become scapegoats for the crisis they have created. We will resist to the end."
Without a doubt, ADELANTE! is the best documentary that I have seen on the Chicano experience. It is very well documented from pre-Colombian times to the present. It's enlightening to see the Chicano struggle for self-determination and for political power presented in a very objective manner.

Oscar Somoza
Professor of Chicano Literature, University of Denver

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